



PATENT
9008-1004

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Paul ROSS et al.

Confirmation No. 8808

Serial No. 10/576,010

Group 1632

Filed August 6, 2007

Examiner

USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 10, 2008

Sir:

Under the provisions of 37 CFR 1.48(a), it is respectfully requested that the inventorship of the above-identified application be changed to include, not only the originally-named inventors, Paul ROSS and Stephen HALLAHAN, but also Colin HILL and William MEANEY, both of Cork, Ireland.

The undersigned attorney hereby states that the inventorship error occurred without deceptive intention on the part of the omitted inventors.

There is submitted herewith:

- a statement from Colin HILL, one of the omitted inventors, indicating that the error in inventorship occurred without deceptive intention on his part;

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- the written consent of the assignee to add Colin HILL with a copy of the assignment recorded at Reel 019655, Frame 0368;
- a Certificate Under 37 CFR 3.73(b) executed by an officer of the assignee.

There is also submitted herewith:

- a statement from William MEANEY, the other omitted inventor, indicating that the error in inventorship occurred without deceptive intention on his part;
- the written consent of the assignee to add William MEANEY with a copy of the assignment recorded at Reel 019655, Frame 0368;
- a Certificate under 37 CFR 3.73(b) executed by an Officer of the assignee; and
- a 37 CFR 1.63 declaration duly executed by all the actual inventors, except for Steven HALLAHAN, a non-signing inventor. In this regard, a decision on petition under 37 CFR 1.47(b) was previously mailed out on May 27, 2008 by the USPTO granting applicant's Rule 47(a) petition.

The Commissioner is hereby authorized to charge
counsel's credit card the requisite 37 CFR 1.17(i) processing
fee of \$130.

Respectfully submitted,

YOUNG & THOMPSON

Benoît Castel

Benoît Castel
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

BC/fb

Attachments



PATENT
9008-1004

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Paul ROSS et al.

Serial No.: 10/576,010

Filed: April 17, 2006

For: USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

STATEMENT IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.48(A)


Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Colin HILL, hereby state that I erroneously and without deceptive intent was omitted as a joint inventor of the above-identified application. Consequently, I should be added as an inventor of the above-identified application.

Respectfully submitted,

Date 13/07/07


Colin HILL



PATENT
9008-1004

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Paul ROSS et al.
Serial No.: 10/576,010
Filed: April 17, 2006
For: USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

CONSENT TO CORRECTION OF INVENTORSHIP

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

MICHAEL PETER KENNEDY of UNIVERSITY COLLEGE, CORK -
UNIVERSITY
NATIONAL OF IRELAND, Assignee of the above-identified patent
application, hereby consents to the change of inventorship from two
inventors, Paul Ross and Stephen Hallahan to four inventors Paul
ROSS, Stephen HALLAHAN, Colin HILL, and William MEANEY.

Respectfully submitted,

M. Peter Kennedy

By MICHAEL PETER KENNEDY

Title VICE-PRESIDENT FOR RESEARCH

Date JULY 30, 2007



PATENT
9008-1004

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Paul ROSS et al.
Serial No.: 10/576,010
Filed: April 17, 2006
For: USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

MICHAEL PETER KENNEDY of UNIVERSITY COLLEGE, CORK - NATIONAL UNIVERSITY OF IRELAND, certifies that UNIVERSITY COLLEGE, CORK - NATIONAL UNIVERSITY OF IRELAND, is one of two Assignees of the right, title, and interest in the above-identified patent application, the other being TEAGASC, by virtue of an Assignment from the inventors of the above-identified patent application. Attached is a copy of the executed Assignment to UNIVERSITY COLLEGE, CORK - NATIONAL UNIVERSITY OF IRELAND.

The undersigned has reviewed all of the evidentiary documents in the above-identified patent application and, to the best of her knowledge and belief, title is in the Assignees identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee UNIVERSITY COLLEGE, CORK - NATIONAL UNIVERSITY OF IRELAND..

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful

false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

M. Peter Kennedy

By MICHAEL PETER KENNEDY

Title VICE-PRESIDENT FOR RESEARCH

Date JULY 30, 2007

ASSIGNMENT

THIS ASSIGNMENT effective the 17th day of October 2003 between
COLIN HILL, of .4. Despark Court, Cork..... Ireland
(hereinafter called "the Inventor") of the first part,

TEAGASC, The Agriculture and Food Development Authority, a Statutory
Body Corporate under the Agriculture (Research, Training and Advice) Act,
1998, of 19 Sandymount Avenue, Dublin 4, Ireland of the second part, and
UNIVERSITY COLLEGE, CORK - NATIONAL UNIVERSITY OF
IRELAND, a body corporate, incorporated by Royal Charter, of College
Road, Cork, Ireland, of the third part (hereinafter called UCC)

WHEREAS the Inventor claims to be the true and first inventor jointly with
Paul Ross, William Meaney, Stephen Hallahan and of an invention entitled
"USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF
INFECTION" and which invention was made by the Inventor out of and in
the course of his employment with UCC AND WHEREAS the inventor
holds the invention and all Patent and other rights and powers obtainable
and exercisable in respect thereof in trust for UCC AND WHEREAS UCC
has directed the Inventor to assign to Teagasc and UCC the invention and all
rights and interests in the same and all rights and powers to make
applications for patents in their own name, or in the name of their nominee,
in Ireland and in any other country of the world in respect of the invention,
together with all rights and benefits arising therefrom under the International
Convention for the Protection of Industrial Property NOW THIS
ASSIGNMENT WITNESSETH that in consideration of the sum of € 10
(ten euro) paid by UCC to the Inventor (the receipt whereof is hereby
acknowledged) and other good and valuable consideration

1. The Inventor hereby assigns to Teagasc and UCC absolutely the
invention, any improvements therein or modifications thereof, and any
know-how relating thereto together with all rights and interests in the same
and all rights and powers to make application for patents in the name of
Teagasc and UCC, or in the name of their nominee, in Ireland and in any

other country of the world in respect of the invention or improvements therein or modifications thereof, together with all rights and benefits arising therefrom under the International Convention for the Protection of Industrial Property.

2. The Inventor hereby covenants with Teagasc and UCC as follows:

(i) The he will (so far as necessary) permit and enable Teagasc and UCC to apply for and will take all reasonable steps to assist Teagasc and UCC or their nominee in obtaining the grant of Patent or like protection in respect of the invention hereinbefore assigned in any territory as may be required by Teagasc and UCC.

(ii) That he will at the request and cost of Teagasc and UCC execute and do all such documents acts and things as may be necessary for the purpose of sub-paragraph (i) hereof and for vesting any relevant inventions, applications for Patent, know-how, copyright or design in Teagasc and UCC or its nominee absolutely.

3. The Inventor hereby irrevocable appoints Teagasc and UCC as his attorney in his name to execute and do any document act or thing which may be necessary to comply with the provisions of Clause 2 hereof.

AND IT IS HEREBY CERTIFIED that this instrument is a conveyance or transfer on any occasion, not being a sale or mortgage.

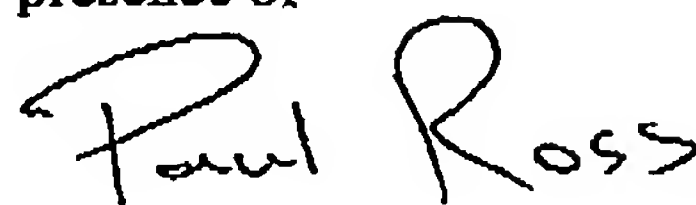
IN WITNESS WHEREOF this Assignment has been executed the day and year first herein written.

SIGNED, SEALED AND DELIVERED

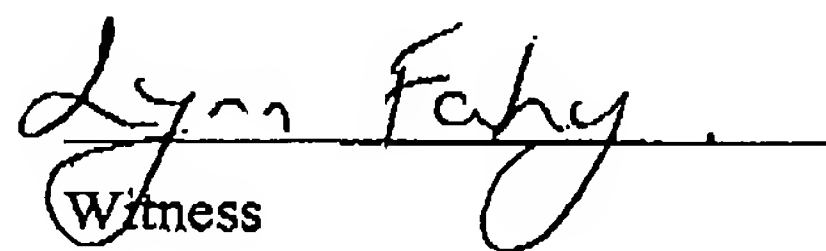
by COLIN HILL,



in the presence of



Witness



Witness

Executed on behalf of **TEAGASC**

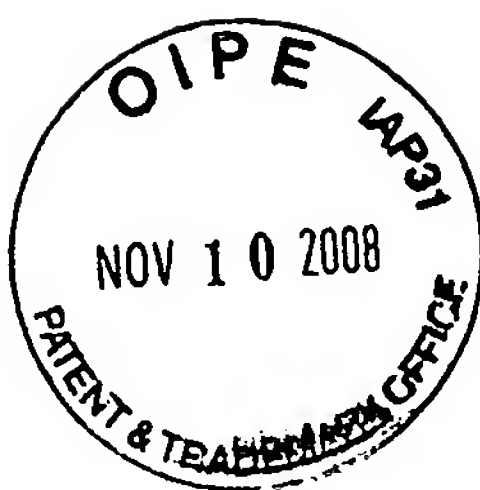
Capacity

Witness

Executed on behalf of **UNIVERSITY COLLEGE, CORK – NATIONAL
UNIVERSITY OF IRELAND**

Capacity

Witness



PATENT
9008-1004

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Paul ROSS et al.

Serial No.: 10/576,010

Filed: April 17, 2006

For: USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

STATEMENT IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.48(A)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, William MEANEY, hereby state that I erroneously and without deceptive intent was omitted as a joint inventor of the above-identified application. Consequently, I should be added as an inventor of the above-identified application.

Respectfully submitted,

Date

27th July 2007

W. Meaney
William MEANEY



PATENT
9008-1004

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Paul ROSS et al.
Serial No.: 10/576,010
Filed: April 17, 2006
For: USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

CONSENT TO CORRECTION OF INVENTORSHIP

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

William Donnelly of **TEAGASC**, Assignee of the above-identified patent application, hereby consents to the change of inventorship from two inventors, Paul Ross and Stephen Hallahan to four inventors Paul ROSS, Stephen HALLAHAN, Colin HILL, and William MEANEY.

Respectfully submitted,

By WILLIAM JOHN DONNELLY
Title Director of Food Research

Date 28/7/07



PATENT
9008-1004

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Paul ROSS et al.
Serial No.: 10/576,010
Filed: April 17, 2006
For: USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

William Donnelly of **TEAGASC**, certifies that TEAGASC, is one of two Assignees of the right, title, and interest in the above-identified patent application, the other being UNIVERSITY COLLEGE, CORK - NATIONAL UNIVERISTY OF IRELAND, by virtue of an Assignment from the inventors of the above-identified patent application. Attached is a copy of the executed Assignment to TEAGASC.

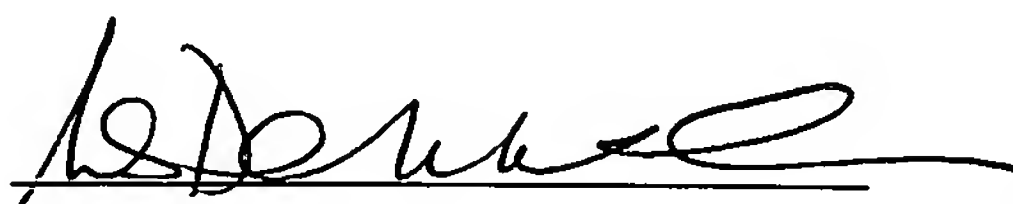
The undersigned has reviewed all of the evidentiary documents in the above-identified patent application and, to the best of her knowledge and belief, title is in the Assignees identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee TEAGASC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful

false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



By WILLIAM JOHN DONNELLY

Title DIRECTOR OF FOOD RESEARCH

Date 28/7/07

ASSIGNMENT

THIS ASSIGNMENT effective the 17th day of October 2003 between
WILLIAM MEANEY, of *GLENABO, DUNTAHEEN ROAD, FERRY, CORK*
Ireland (hereinafter called "the Inventor") of the first part,
TEAGASC, The Agriculture and Food Development Authority, a Statutory
Body Corporate under the Agriculture (Research, Training and Advice) Act,
1998, of 19 Sandymount Avenue, Dublin 4, Ireland of the second part and
UNIVERSITY COLLEGE, CORK – NATIONAL UNIVERSITY OF
IRELAND, a body corporate, incorporated by Royal Charter, of College Road,
Cork, Ireland, of the fourth part

WHEREAS the Inventor claims to be the true and first inventor jointly with
Paul Ross, Stephen Hallahan and Colin Hill of an invention entitled "USE OF
PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION" and
which invention was made by the Inventor out of and in the course of his
employment with Teagasc AND WHEREAS the inventor holds the invention
and all Patent and other rights and powers obtainable and exercisable in respect
thereof in trust for Teagasc AND WHEREAS Teagasc has directed the
Inventor to assign to Teagasc and UCC the invention and all rights and interests
in the same and all rights and powers to make applications for patents in their
own name, or in the name of their nominee, in Ireland and in any other country
of the world in respect of the invention, together with all rights and benefits
arising therefrom under the International Convention for the Protection of
Industrial Property NOW THIS ASSIGNMENT WITNESSETH that in
consideration of the sum of € 10 (ten euro) paid by Teagasc to the Inventor
(the receipt whereof is hereby acknowledged) and other good and valuable
consideration

1. The Inventor hereby assigns to Teagasc and UCC absolutely the
invention, any improvements therein or modifications thereof, and any
know-how relating thereto together with all rights and interests in the same
and all rights and powers to make application for patents in the name of
Teagasc and UCC, or in the name of its nominee, in Ireland and in any other

country of the world in respect of the invention or improvements therein or modifications thereof, together with all rights and benefits arising therefrom under the International Convention for the Protection of Industrial Property.

2. The Inventor hereby covenants with Teagasc and UCC as follows:

(i) The he will (so far as necessary) permit and enable Teagasc and UCC to apply for and will take all reasonable steps to assist Teagasc and UCC or their nominee in obtaining the grant of Patent or like protection in respect of the invention hereinbefore assigned in any territory as may be required by Teagasc and UCC.

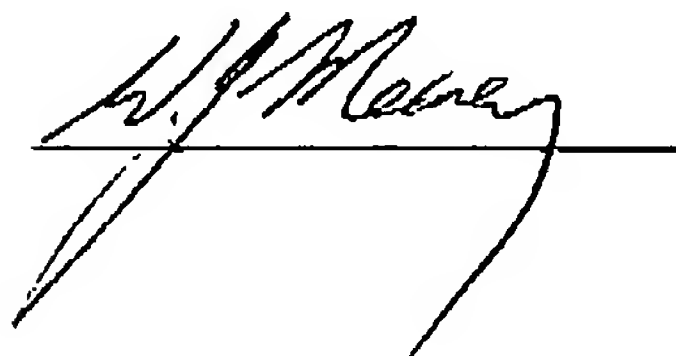
(ii) That he will at the request and cost of Teagasc and UCC execute and do all such documents acts and things as may be necessary for the purpose of sub-paragraph (i) hereof and for vesting any relevant inventions, applications for Patent, know-how, copyright or design in Teagasc and UCC or its nominee absolutely.

3. The Inventor hereby irrevocable appoints Teagasc and UCC as his attorney in his name to execute and do any document act or thing which may be necessary to comply with the provisions of Clause 2 hereof.

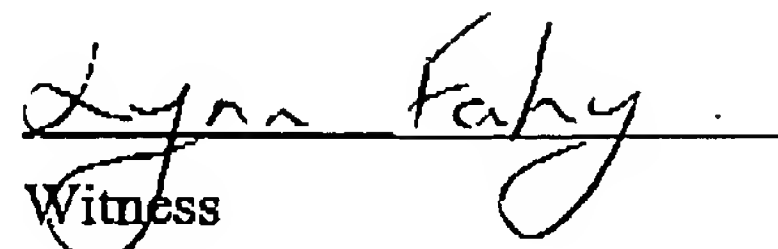

AND IT IS HEREBY CERTIFIED that this instrument is a conveyance or transfer on any occasion, not being a sale or mortgage.

IN WITNESS WHEREOF this Assignment has been executed the day and year first herein written.

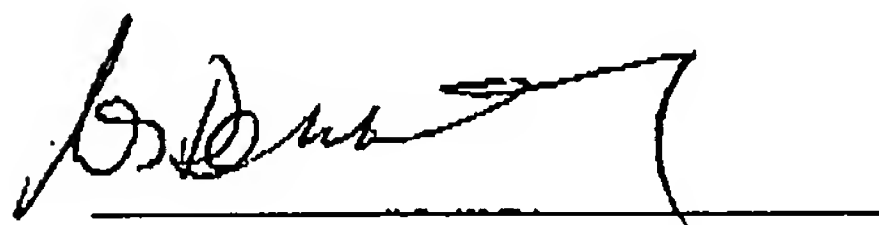

SIGNED, SEALED AND DELIVERED
by **WILLIAM MEANEY**,




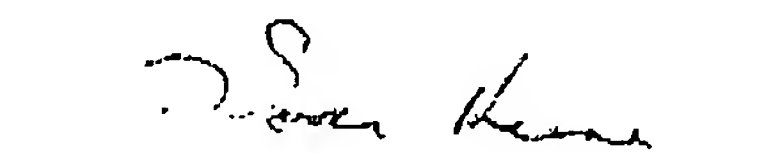
in the presence of


Witness
Witness

Executed on behalf of **TEAGASC**


Capacity
Witness

Executed on behalf of **UNIVERSITY COLLEGE, CORK – NATIONAL
UNIVERSITY OF IRELAND**


Capacity
Witness



Attorney Docket No. 9008-1004

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **USE OF PROBIOTIC BACTERIA IN THE TREATMENT OF INFECTION**

the specification of which: *(check one)*

REGULAR OR DESIGN APPLICATION

- ☐ is attached hereto.
- ☐ was filed on _____ as application Serial No. _____
and was amended on _____ (if applicable).

PCT FILED APPLICATION ENTERING NATIONAL STAGE

- ☒ was described and claimed in International application No. **PCT/IE2004/000143** filed on **October 15, 2004** and as amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)

Country	Application Number	Date of Filing (day, month, year)	Priority Claimed
IRELAND	2003/0773	17 October 2003	Yes

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below:

Application No.	Filing Date	Status (patented, pending abandoned)
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(Complete this part only if this is a continuing application.)

I hereby claim the benefit under 35 USC 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status (patented, pending abandoned)
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POWER OF ATTORNEY

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from TOMKINS & CO. as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

As a named inventor, I hereby appoint the registered patent attorneys represented by Customer No. 000466 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, including: Robert J. PATCH, Reg. No. 17,355; Andrew J. PATCH, Reg. No. 32,925; Benoît CASTEL, Reg. No. 35,041; Thomas W. PERKINS, Reg. No. 33,027; Roland E. LONG, Jr., Reg. No. 41,949; Eric JENSEN, Reg. No. 37,855; Liam MCDOWELL, Reg. No. 44,231; Philip A. DUBOIS, Reg. No. 50,696; Robert A. Madsen, Reg. No. 58,543; Jeffrey M. Goehring, Reg. No. 52,948; and Jeffrey R. Snay, Reg. No. 58,913.

YOUNG & THOMPSON
Second Floor
745 South 23rd Street
Arlington, VA 22202

Customer No.
00466

Address all telephone calls to Young & Thompson at 703/521-2297. Telefax: 703/685-0573.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Paul ROSS

Inventor's signature: Paul Ross Date: 02/08/07

Residence: Cork, Ireland Citizenship: Ireland

Post Office Address: 3 Capwell Road, Cork, Ireland

Full name of second joint inventor, if any: Stephen HALLAHAN

Inventor's signature: _____ Date: _____

Residence: Dublin, Ireland Citizenship: Ireland

Post Office Address: c/o Cross Vetpharm Group Limited, Broomhill Road, Tallaght, Dublin 24, Ireland

Full name of third joint inventor, if any: Colin HILL

Inventor's signature: Colin Hill Date: 02-08-07

Residence: Cork, Ireland Citizenship: Ireland

Post Office Address: 4 Deerpark Court, Cork, Ireland

Full name of fourth joint inventor, if any: William MEANEY

Inventor's signature: W. Meaney Date: 02/08/2007

Residence: Cork, Ireland Citizenship: Ireland

Post Office Address: Glenabo, Duntahen Road, Fermoy, Cork, Ireland